

Congress of the United States
Washington, DC 20515

December 9, 2005

The Honorable Joe Barton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Barton:

We are concerned about reports that the recently introduced National Uniformity for Food Act of 2005 (H.R. 4167) will be marked-up in the full Committee next week, without benefit of hearings or Subcommittee consideration. This legislation has far-reaching implications for the safety and security of our nation's food supply, as well as for States' rights. We believe it warrants full examination through regular order before any consideration by the full Committee in a markup.

As you know, the National Uniformity for Food Act would amend the Federal Food, Drug, and Cosmetic Act to preempt States from continuing or implementing food safety programs that are not identical to federal law. Yet States are currently the primary guardians of food safety for our nation, and many operate under laws that differ from federal law. We must be very sure before enacting sweeping preemption of State law that we will not interrupt the day-to-day food safety enforcement activities of State and local governments. We must also be sure that we are not hampering States' ability to pass and implement laws that address local and regional food safety needs.

Further, at a time when Administration officials have warned that our food supply is a vulnerable target for terrorists, we must have confidence that this bill will not in any way harm our ability to respond to bioterrorist threats to the food supply. Yet, the impact of the National Uniformity for Food Act on these critical areas has never been examined. In fact, although this bill has been introduced and even reported out of Committee in past Congresses, there has never been a hearing on it.

We are therefore writing to strongly urge you to follow regular order on H.R. 4167. Members on both sides of the aisle deserve to understand its impact on our nation's food safety and security before voting on such a far-reaching measure.

Sincerely,


SHERROD BROWN


HENRY A. WAXMAN


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HILDA L. SOLIS


ANNA C. ESHOO

Cc: Ranking Member John Dingell